

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JUAN AYALA,
Plaintiff,

v.

ZIMMERMAN PROPERTIES, LLC AND
ANTONIO LEDEZMA A/K/A LA CONSTRUCTION
Defendants.

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CIVIL ACTION NO.
3:13-CV-00703-O

JUDGE REED O'CONNOR

JURY TRIAL REQUESTED

Plaintiff's Rule 26(a) Initial Expert Designation

Pursuant to the Court's Scheduling Order, Plaintiff Juan Ayala serves this Rule 26 (a) (2)

Initial Expert Designation and respectfully would show the Court the following:

1. Thomas H. Mayor, Ph.D
University of Houston
5555 Del Monte Drive
Unit 1306
Houston, Texas 77056-4184

Dr. Mayor is a professor of economics. Dr. Mayor has been retained by Plaintiff to provide expert testimony regarding Mr. Ayala's economic damages. Dr. Mayor's report pursuant to FRCP 26(a)(2)(b) is attached hereto as Exhibit "1," which contains his opinions, including the basis and reasons for such opinions.

Dr. Mayor's opinions are based on his education, professional experience, familiarity with principles of economic probability, and the types of skills and employment that Mr. Ayala had prior to his injuries and the limitations which Mr. Ayala has following the injuries. Dr. Mayor's opinions are also generally based upon review of the pleadings, written discovery, correspondence, documents produced in this case, research, and testimony or reports provided by other expert witnesses, all of which are specifically identified in Dr. Mayor's report, attached as Exhibit "1." To date, a determination of any exhibits to be used to summarize or support Dr. Mayor's opinions has not been made.

Dr. Mayor's current *curriculum vitae* (with list of his publications over the last ten (10) years) and a list of cases in which Dr. Mayor has provided expert testimony, whether by deposition or at trial, within at least the preceding four (4) years, are attached hereto respectively as Exhibits "2" and "3."

A copy of Dr. Mayor's fee schedule with respect to compensation for the services he is providing is attached as Exhibit "4."

2. Mr. Luke Vermeulen
Lukarl Associates
2524 Cottonwood Lane, Suite 110
Bedford, Texas 76021

Mr. Vermeulen is the Director of Field Operations at Lukarl Associates and has several years experience in the commercial construction industry. Mr. Vermeulen has been retained by Plaintiff to provide expert testimony regarding the dangerous conditions and plans for the construction of the pavilion at the Gateway Plaza Apartments and Project. Mr. Vermeulen's report pursuant to FRCP 26(a)(2)(b) is attached hereto as Exhibit "5," which contains his opinions, including the basis and reasons for such opinions.

Mr. Vermeulen's opinions are based on his education, professional experience, familiarity with appropriate construction management, supervision and work flow, as well as compliance with safety restrictions and rules of the Occupational Health and Safety Administration. Mr. Vermeulen's opinions are also generally based upon review of the pleadings, written discovery, correspondence, documents produced in this case, research, and testimony or reports provided by other expert witnesses, all of which are specifically identified in Mr. Vermeulen's report, attached as Exhibit "5." To date, a determination of any exhibits to be used to summarize or support Mr. Vermeulen's opinions has not been made.

Mr. Vermeulen's current *curriculum vitae* and a list of cases in which Mr. Vermeulen has provided expert testimony, whether by deposition or at trial, within at least the preceding four (4) years, are attached hereto respectively as Exhibits "6" and "7." Mr. Vermeulen does not have any publications in the last 10 years.

A copy of the agreement signed by Mr. Vermeulen with respect to compensation for the services he is providing is attached as Exhibit "8."

3. Mr. Ken Kirksey, M.S., C.R.C., O.W.C.P.
Rehabilitation Counselor
8612 Castle Creek Court
North Richland Hills, Texas 76182-8413

Mr. Kirksey is a Rehabilitation Counselor in private practice. Mr. Kirksey has been retained by Plaintiff to provide expert testimony regarding vocational assessment and rehabilitation of Mr. Ayala following his injuries and expectation as to the type of work Mr. Ayala can expect to do in the future. Mr. Kirksey's report pursuant to FRCP 26(a)(2)(b) is attached hereto as Exhibit "9," which contains his opinions, including the basis and reasons for such opinions.

Mr. Kirksey's opinions are based on his education, professional experience, familiarity with principles of vocational assessment and counseling, and the types of skills and employment that Mr. Ayala had prior to his injuries and the limitations which Mr. Ayala has following the injuries. Mr. Kirksey's opinions are also generally based upon review of the pleadings, written discovery, correspondence, documents produced in this case, research, and testimony or reports provided by other expert witnesses, all of which are specifically identified in Mr. Kirksey's report, attached as Exhibit "9." To date, a determination of any exhibits to be used to summarize or support Mr. Kirksey's opinions has not been made.

Mr. Kirksey's current *curriculum vitae* (with list of his publications over the last ten (10) years) and a list of cases in which Mr. Kirksey has provided expert testimony, whether by deposition or at trial, within at least the preceding four (4) years, are attached hereto respectively as Exhibits "10" and "11."

A copy of the agreement signed by Mr. Kirksey with respect to compensation for the services he is providing is attached as Exhibit "12."

Respectfully submitted,

/s/ Avery McDaniel
Avery McDaniel SBN 24000121
Garette M. Amis SBN 24040425

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Attorneys for Plaintiff Juan Ayala

Certificate of Service

I hereby certify that on the 31st day of October, 2013, true and correct copy of the foregoing instrument has been served upon all counsel of record as follows:

Mr. Randy A. Nelson
Mr. Daniel D. McGuire
Thompson Coe Cousins & Irons, LLP
700 North Pearl Street, 25th floor
Dallas, Texas 75201
Via First Class Regular Mail

/s/Avery McDaniel
Avery McDaniel